



## MINUTES

**CITY OF SCOTTSDALE POLICE LOCAL BOARD OF THE  
PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM (PSPRS)  
REGULAR MEETING  
11:00 a.m., Thursday, April 21, 2011  
Human Resources Verde Conference Room  
7575 E. Main Street  
Scottsdale, Arizona 85251**

**PRESENT:** Jack Cross, Chairman/Mayoral Designee  
Jeffrey Burg, Citizen Member  
James Butera, Elected Member  
Velicia McMillan, Citizen Member/Merit Head  
Jeffrey Walther, Elected Member

**STAFF:** Colleen Barraza  
Ken Nemec  
Chanda Washington

**OTHER:** Robbie Adler-Tapia, MD  
Hanna Auckland, Esq.  
Police Lieutenant Craig E. Chrzanowski (telephonic)  
Police Officer Joseph M. Geremia, III

### **Call to order:**

Chairman Cross called the meeting to order at 11:01 a.m. noting that all Board members were present.

### **Roll call:**

A formal roll call confirmed the members present as stated above.

#### **1. Review and Approval of Meeting Minutes—March 17, 2011**

**BOARD MEMBER BURG MOVED TO APPROVE THE REGULAR MEETING MINUTES OF THE MARCH 17, 2011 PSPRS POLICE LOCAL BOARD MEETING AS PRESENTED. BOARD MEMBER WALTHER SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FIVE (5) TO ZERO (0).**

**2. Induction of New Scottsdale Police Officers into PSPRS**

Mr. Nemec reported that there were five new Scottsdale police officers to induct into the PSPRS without pre-existing conditions noted. All of the officers were hired on November 15, 2010 and graduated from the academy on April 8, 2011.

**BOARD MEMBER WALTHER MOVED TO APPROVE THE INDUCTION OF NEW SCOTTSDALE POLICE OFFICERS DAVID MUNSON, AARON GOOD, RYAN MERCIER, CAMERON BODRERO, AND PETER MICHAEL INTO PSPRS, EACH WITH AN EFFECTIVE MEMBERSHIP DATE OF APRIL 8, 2011 WITH PRE-EXISTING CONDITIONS, IF ANY, AS NOTED FOR EACH OFFICER PER THE ATTACHED INDUCTEE LISTING. BOARD MEMBER MCMILLAN SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FIVE (5) TO ZERO (0).**

**3. Discussion and Vote on the DROP (Deferred Retirement Option Plan)  
Application of Police Lieutenant Ernest A. Anderson**

Mr. Nemec reported that Police Lieutenant Ernest A. Anderson was approximately 50 years of age when entering into the DROP on March 25, 2011 with approximately 26 years of service. He stated that his paperwork was in order and the monthly pension associated with this application is \$7,106.72.

**BOARD MEMBER BUTERA MOVED TO APPROVE THE DROP (DEFERRED RETIREMENT OPTION PLAN) APPLICATION OF POLICE LIEUTENANT ERNEST A. ANDERSON EFFECTIVE MARCH 25, 2011, SUBJECT TO FINAL PAYROLL CALCULATIONS AND QUALIFIED DOMESTIC RELATIONS ORDERS. BOARD MEMBER WALTHER SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FIVE (5) TO ZERO (0).**

**4. Discussion and Vote on the DROP (Deferred Retirement Option Plan)  
Application of Police Lieutenant Michael R. Anderson**

Mr. Nemec reported that Police Lieutenant Michael R. Anderson was approximately 53 years of age when entering into the DROP on April 7, 2011 with 24.7 years of service. He stated that his paperwork was in order and the monthly pension associated with this application is \$5,995.98.

**BOARD MEMBER WALTHER MOVED TO APPROVE THE DROP (DEFERRED RETIREMENT OPTION PLAN) APPLICATION OF POLICE LIEUTENANT MICHAEL R. ANDERSON EFFECTIVE APRIL 7, 2011, SUBJECT TO FINAL PAYROLL CALCULATIONS AND QUALIFIED DOMESTIC RELATIONS ORDERS. BOARD MEMBER MCMILLAN SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FIVE (5) TO ZERO (0).**

**5. Discussion and Vote on the DROP (Deferred Retirement Option Plan)  
Application of Police Officer Daniel F. Garcia**

Mr. Nemec reported that Police Officer Daniel F. Garcia was approximately 57 years of age when entering into the DROP on March 26, 2011 with approximately 25 years of

service. He stated that his paper work was in order and the monthly pension associated with this application is \$5,358.76.

**BOARD MEMBER BUTERA MOVED TO APPROVE THE DROP (DEFERRED RETIREMENT OPTION PLAN) APPLICATION OF POLICE OFFICER DANIEL F. GARCIA EFFECTIVE MARCH 26, 2011, SUBJECT TO FINAL PAYROLL CALCULATIONS AND QUALIFIED DOMESTIC RELATIONS ORDERS. BOARD MEMBER WALTHER SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FIVE (5) TO ZERO (0).**

**6. Discussion and Vote on the DROP (Deferred Retirement Option Plan) Termination and Normal Retirement Application of Police Officer Leslie Robert Ryan**

Ms. Washington reported that Police Officer Leslie Robert Ryan entered into the DROP in 2006 with 20.057 years of service and was retiring from the DROP on April 21, 2011 with 25 years of service. She stated that his paperwork was in order and he would be receiving a monthly retirement benefit in the amount of \$3,174.85.

**BOARD MEMBER WALTHER MOVED TO ACCEPT THE DROP (DEFERRED RETIREMENT OPTION PLAN) TERMINATION REQUEST OF POLICE OFFICER LESLIE ROBERT RYAN AND TO APPROVE HIS NORMAL RETIREMENT APPLICATION, EFFECTIVE APRIL 21, 2011 SUBJECT TO FINAL PAYROLL CALCULATIONS AND QUALIFIED DOMESTIC RELATIONS ORDERS. THE MONTHLY PENSION ASSOCIATED WITH THIS APPLICATION IS \$3,174.85 TO BEGIN ON OR ABOUT MAY 31, 2011. BOARD MEMBER MCMILLAN SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FIVE (5) TO ZERO (0).**

Chairman Cross expressed the Board's appreciation of Police Officer Ryan's 25 years of service to the citizens of Scottsdale.

**7. Discussion and Vote on the Normal Retirement Application of Police Officer Timothy K. Finn**

Ms. Washington reported that Police Officer Timothy K. Finn was retiring with 16.882 years of service at the age of 62 under normal retirement. She stated that his paperwork was in order and he would be receiving a monthly retirement benefit in the amount of \$3,380.74.

Chairman Cross explained the two types of normal retirement, including retiring with 20 years of service regardless of age, or retiring at age 62 or more with 15 years of service. Board Member Walther recalled that Police Officer Finn also served 22 years with the New York City Police Department.

**BOARD MEMBER WALTHER MOVED TO APPROVE POLICE OFFICER TIMOTHY K. FINN'S NORMAL RETIREMENT APPLICATION, EFFECTIVE MARCH 26, 2011 SUBJECT TO FINAL PAYROLL CALCULATIONS AND QUALIFIED DOMESTIC RELATIONS ORDERS. THE MONTHLY PENSION ASSOCIATED WITH THIS APPLICATION IS \$3,380.74 TO BEGIN ON OR ABOUT APRIL 30, 2011. BOARD**

**MEMBER BURG SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FIVE (5) TO ZERO (0).**

**8. Discussion and Vote on the Accidental Disability Retirement Application of Police Lieutenant Craig E. Chrzanowski**

Chairman Cross requested that Board Member Burg fill in as Acting Chair and recused himself from participating in agenda item number 8.

Ms. Washington announced that Police Lieutenant Craig E. Chrzanowski would be participating in the meeting by telephone. Ms. Auckland explained that she could answer any questions by the Board in open session if necessary.

Acting Chairman Burg invited Police Lieutenant Chrzanowski to offer any comments he may have regarding his application prior to the Board's discussion.

Police Lieutenant Chrzanowski reported that he spent an hour and a half with the IME doctor and most of the session dealt with stress and how the body reacts to stress. He stated that he was surprised to read his results, noting that one of the paragraphs demonstrated that it would be hard to convince someone that stress caused his injury.

Acting Chairman Burg confirmed that none of the Board Members had any questions regarding Police Lieutenant Chrzanowski's application.

**BOARD MEMBER BUTERA MOVED TO FIND THAT THE APPLICANT HAS A PHYSICAL OR MENTAL CONDITION WHICH TOTALLY AND PERMANENTLY PREVENTS HIM FROM PERFORMING A REASONABLE RANGE OF DUTIES WITHIN THE POLICE OFFICER CLASSIFICATION. BOARD MEMBER WALTHER SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FOUR (4) TO ZERO (0). CHAIRMAN CROSS RECUSED HIMSELF.**

**BOARD MEMBER BUTERA MOVED TO FIND THAT THE APPLICANT'S DISABLING CONDITION WAS NOT INCURRED IN THE PERFORMANCE OF HIS DUTIES AS A POLICE OFFICER. BOARD MEMBER WALTHER SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FOUR (4) TO ZERO (0). CHAIRMAN CROSS RECUSED HIMSELF.**

**BOARD MEMBER BUTERA MOVED TO FIND THAT THE APPLICANT'S DISABILITY RESULTED FROM A PHYSICAL OR MENTAL CONDITION OR INJURY THAT EXISTED OR OCCURRED PRIOR TO THE APPLICANT'S DATE OF MEMBERSHIP IN PSPRS, WHICH IS FEBRUARY 11, 1980. BOARD MEMBER WALTHER SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FOUR (4) TO ZERO (0). CHAIRMAN CROSS RECUSED HIMSELF.**

**BOARD MEMBER BUTERA MOVED TO DISAPPROVE THE ACCIDENTAL DISABILITY RETIREMENT PENSION OF POLICE LIEUTENANT CRAIG E. CHRZANOWSKI SUBJECT TO FINAL PAYROLL CALCULATIONS AND QUALIFIED DOMESTIC RELATIONS ORDERS. BOARD MEMBER WALTHER SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FOUR (4) TO ZERO (0). CHAIRMAN CROSS RECUSED HIMSELF.**

Acting Chairman Burg explained that Police Lieutenant Chrzanowski would still receive his retirement benefits; the only difference would be the method in which it was taxed.

Police Lieutenant Chrzanowski stated that he understood the results of the Board's decision and pointed out that 26 states now consider hypertension as being stress related for police officers and firemen.

#### **CLOSED PUBLIC HEARING**

**9. Motion to Recess into Executive Session for Discussion of the A.R.S. Sec. 38-844 Accidental Disability Retirement Application of Police Lieutenant Craig E. Chrzanowski**

Acting Chairman Burg deemed it unnecessary to recess into Executive Session. Chairman Cross returned to continue chairing the meeting.

#### **RECONVENE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM MEETING FOLLOWING EXECUTIVE SESSION**

**10. Discussion and Vote on the Accidental Disability Retirement Application of Police Officer Joseph M. Geremia, III**

Chairman Cross invited the Board members to review the 27-page IME report on Police Officer Joseph M. Geremia, III. He invited Police Officer Geremia to offer any comments he might have regarding his application prior to the Board's discussion.

Police Officer Geremia stated that he had nothing to add and invited his treating physician Dr. Robbie Adler-Tapia to comment on his disability. Dr. Adler-Tapia was sworn in by Ms. Auckland.

Dr. Adler-Tapia reported that she was a City of Scottsdale contracted psychologist for the Employee Assistance Program and Police Officer Geremia was referred to her by that program. She recalled that she previously met with Chief Rodbell to clarify whether there was any conflict regarding who her client was in this matter.

Dr. Adler-Tapia stated that Police Officer Geremia typically does not offer a lot of information and after reading the IME she believed that the IME physician missed the depth of the PTSD. One of her concerns while treating Police Officer Geremia over the past six years has been his ability to report symptoms.

Dr. Adler-Tapia recalled meeting with Dr. Carson, who holds the contract with the City of Scottsdale, Chief Rodbell, and Assistant Deputy Chief Cocca, in order to give them information on PTSD.

She explained that she had no reason to recommend a competency evaluation, but did have concerns regarding the depths of the Police Officer Geremia's PTSD in addition to ongoing issues that arose during his treatment.

Dr. Adler-Tapia said that although Police Officer Geremia was committed to reaching his 20 years of service, she and Dr. Roth both felt that he should have applied for medical disability.

Chairman Cross said it was very helpful that the IME physician answered the questions specifically, providing commentary after each answer.

**BOARD MEMBER WALTHER MOVED TO FIND THAT THE APPLICANT HAS A PHYSICAL OR MENTAL CONDITION WHICH TOTALLY AND PERMANENTLY PREVENTS HIM FROM PERFORMING A REASONABLE RANGE OF DUTIES WITHIN THE POLICE OFFICER CLASSIFICATION. BOARD MEMBER MCMILLAN SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FIVE (5) TO ZERO (0).**

**BOARD MEMBER WALTHER MOVED TO FIND THAT THE APPLICANT'S DISABLING CONDITION WAS INCURRED IN THE PERFORMANCE OF HIS DUTIES AS A POLICE OFFICER. BOARD MEMBER MCMILLAN SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FIVE (5) TO ZERO (0).**

**BOARD MEMBER WALTHER MOVED TO FIND THAT THE APPLICANT'S DISABILITY DID NOT RESULT FROM A PHYSICAL OR MENTAL CONDITION OR INJURY THAT EXISTED OR OCCURRED PRIOR TO THE APPLICANT'S DATE OF MEMBERSHIP IN PSPRS, WHICH IS MARCH 18, 1991. BOARD MEMBER MCMILLAN SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FIVE (5) TO ZERO (0).**

**BOARD MEMBER WALTHER MOVED TO APPROVE THE ACCIDENTAL DISABILITY RETIREMENT PENSION OF POLICE OFFICER JOSEPH M. GEREMIA, III SUBJECT TO FINAL PAYROLL CALCULATIONS AND QUALIFIED DOMESTIC RELATIONS ORDERS. BOARD MEMBER MCMILLAN SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FIVE (5) TO ZERO (0).**

Chairman Cross expressed the Board's appreciation of Police Officer Geremia's many years of service to the citizens of Scottsdale.

#### **CLOSED PUBLIC HEARING**

11. **Motion to Recess into Executive Session for Discussion of the A.R.S. Sec. 38-844 Accidental Disability Retirement Application of Police Officer Joseph M. Geremia, III**

Chairman Cross deemed it unnecessary to recess into Executive Session.

#### **RECONVENE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM MEETING FOLLOWING EXECUTIVE SESSION**

12. **Discussion and Vote on the Accidental Disability Retirement Application of Police Officer James Powers**

Chairman Cross reported that staff received the requested clarification letter from Police Officer James Powers' doctor wherein he confirms that there was a relationship between

the pepper ball incident and his current medical condition. He invited the Board to decide whether there was sufficient evidence to send Police Officer Powers for an IME.

Board Member Walther opined that the Board has an obligation to send Police Officer Powers for an IME since he does have a physician backing his disability claim. Ms. Washington reported that Police Officer Powers was unable to attend today's meeting because he was in hospital with pneumonia.

**BOARD MEMBER WALTHER MOVED TO APPROVE THE ISSUANCE OF AN INDEPENDENT MEDICAL EXAMINATION THROUGH COLUMBIA MEDICAL CONSULTANTS FOR THE APPOINTMENT OF A MEDICAL SPECIALIST TO SERVE AS THE MEDICAL BOARD FOR THE APPLICATION OF POLICE OFFICER JAMES POWERS. BOARD MEMBER MCMILLAN SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FIVE (5) TO ZERO (0).**

**CLOSED PUBLIC HEARING**

**13. Motion to Recess into Executive Session for Discussion of A.R.S. Sec. 38-844 Accidental Disability Retirement Application of Police Officer James Powers**

Chairman Cross deemed it unnecessary to recess into Executive Session.

**RECONVENE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM MEETING FOLLOWING EXECUTIVE SESSION**

**14. Board Suggestions for Upcoming Agenda Items.**

Board Member Walther recommended that staff agendaize a future discussion of Senate Bill 1609 once it has passed. Chairman Cross stated that the Retirement Fund would probably prepare a summary of the effects of the Bill.

**ADJOURNMENT:**

With no further business to discuss, being duly moved and seconded, the meeting adjourned at 11:31 a.m.

Respectfully Submitted by:

REVIEWED BY:

Ken Nemec  
PSPRS Police Local Board Secretary

Jack Cross  
PSPRS Chairman/Mayoral Designee